

## **REMARKS/ARGUMENTS**

Claims 90-120 and 122-142 remain in the application for further prosecution. Claim 121 has been cancelled. Claims 90, 98, 106, 110, 115, 116, 124, 128, 131, 137-142 have been amended.

The Applicant thanks the Examiner for allowance of claims 134-136.

### **§ 112 Rejection**

Claims 96 and 101 were rejection under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

### **§ 102 Rejection**

Claims 9-97 and 106-109 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,577,911 to Garfinkel ("Garfinkel").

Claims 98-100, 102, 103, 110, 111, 113, 131-133 and 137-142 were rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,139,320 to Hahn ("Hahn").

Claims 116-126 and 128-130 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,832,683 to Idemoto et al. ("Idemoto").

### **§ 103 Rejection**

Claims 101, 104 and 105 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hahn in view of Idemoto.

Claims 112, 114 and 115 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hahn.

Claim 127 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Idemoto.

**Claim 90**

Claim 90 has been amended to require that the osteotome tool have an outer surface to define an elongated bore having a length that is sized to receive a screw-type dental implant. Garfinkel is not designed for developing an elongated bore but is, instead, for removing diseased tissue from periodontal cavities with a spoon-like curette. Thus, Garfinkel cannot anticipate claim 90.

**Claim 98**

Claim 98 has been amended to require installation of the implant into the bore. Hahn does not mention, teach, or suggest anything about installing implants in such a bore.

**Claim 106**

Claim 106 has been amended to require depth markings that are used to determine the depth of insertion into the bore. Garfinkel does not disclose such a configuration, and would never do so since Garfinkel is directed to removing diseased tissue from periodontal cavities with a spoon-like curette.

**Claim 110**

Claim 110 has been amended to require installation of the dental implant into the bore. Hahn does not mention, teach, or suggest anything about installing a dental implant in such a bore.

**Claim 116**

Claim 116 has been amended to require cutting around a circumference of the elongated bore while maintaining a substantial portion of the bone within the elongated bore. Idemoto's device does not provide for such a feature, and could never be modified to have such a feature

since the cup-shaped working portion 7 is specifically designed to be on only one side of Idemoto's device.

**Claim 124**

Claim 124 requires that as the tool is inserted into an opening in the bone, there is a simultaneous (i) cutting of the bone with the cutting edge and (ii) compacting of the bone with the expanding cross-sectional region. Idemoto does not teach such a method. Nor does Idemoto teach a device that could accomplish this method. Idemoto is designed for scraping bone from the surface of bone tissue.

**Claim 128**

Claim 128 has been amended to require the engaging to occur while the central axis of the tool is generally perpendicular to the bone adjacent to the bore. Idemoto is specifically configured to operate at an angle to scoop the bone with the spoon-shaped working portion, and Idemoto would not function properly if it were operated perpendicular to the bone. Further, Idemoto is not designed to develop a bore.

**Claim 131**

Claim 131 has been amended to require the osteotome tool to be dimensioned to threadably receive the screw-type dental implant. Hahn does not disclose creating such a bore, nor installing a screw-type dental implant into the bore.

**Claim 137**

Claim 137 has been amended to positively claim the dental implant as part of a set of components. The components also include the compaction tool that produces the bore which receives the dental implant. Hahn fails to disclose such a set of components.

**Claim 139**

Claim 139 has been amended to positively claim the dental implant as part of a set of components. The components also include the tool that produces the bore which receives the dental implant. Hahn fails to disclose such a set of components.

**Conclusion**

It is the Applicant's belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,



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